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Docket No. GZ 2065.23 ELECT.

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Pursuant to 37 C.F.R. § 1.8(a), I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

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Dated: January 17, 2003 Name of Person Certifying: Peggy Nichols
Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Susan SCHIAVI, et al.

Assignee: Genzyme Corporation and
Johns Hopkins University School of
Medicine

Filing Date: July 19, 2001

Examiner: Gibbs, Terra C.

Serial No.: 09/909,775

Group Art Unit: 1635

Title: PHOSPHATONIN-RELATED GENE AND METHODS OF USE THEREOF

Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121 AND
REQUEST FOR PRELIMINARY AMENDMENT**

Dear Sir:

This paper is filed in response to the Requirement for Restriction issued by the U.S. Patent and Trademark Office on October 1, 2002, in connection with the above-identified application. A response to the Requirement for Restriction originally was due November 1, 2002. Enclosed herewith is a Petition for Three Month Extension of Time and authorization to charge the extension fee to the undersigned's Deposit Account. In view of the Petition and payment of the fee, a response is now due February 1, 2003. Accordingly this response is timely filed.

I. AMENDMENTS

Please amend the subject application as follows:

In the claims:

Please add new claims 15 to 20 as follows:

N.K.
5. (Reiterated) A method of reducing phosphate re-absorption in a subject comprising delivering to the subject an effective amount of the FRP-4 protein.

SubC2
15. (New) The method of claim 5, wherein the FRP-4 protein has the amino acid sequence of SEQ ID NO: 2.

16. (New) The method of claim 5, wherein the effective amount of the FRP-4 protein is delivered as a polynucleotide that encodes the FRP-4 protein.

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17. (New) The method of claim 16, wherein the polynucleotide comprises a polynucleotide sequence that encodes the amino acid sequence of SEQ ID NO:2.

18. (New) The method of claim 16, wherein the polynucleotide that encodes the amino acid sequence of SEQ ID NO:2 comprises the polynucleotide sequence of SEQ ID NO:1.

19. (New) The method of claim 17, wherein the polynucleotide is delivered in a gene delivery vehicle.

20. (New) The method of claim 18, wherein the polynucleotide is delivered in a gene delivery vehicle.

Attached hereto is a marked-up version of the changes made to the claims. The attached page is captioned "Version With Markings To Show Changes Made".

II. REMARKS

Claims 1-14 are pending in the subject application. A requirement for restriction was issued by the Office requiring an election among Groups I through V. Group III, claim 5 is elected with traverse and claims 15 through 20 have been added to depend on claim 5. Support for the new claim is found in the application on page 23, lines 1 through 11, page 30, lines 11 through 33, page 31, lines 21 through 27 and page 44, line 9 through page 45, line 2. An issue of new matter is not raised by the addition of the new claims and entry thereof is respectfully